

**TUESDAY, JULY 5, 2005**

**RULE ADOPTION**

**COMMUNITY AFFAIRS**

**DIVISION OF FIRE SAFETY**

**STANDARDS FOR FIRE SERVICE TRAINING AND CERTIFICATION**

**ELIGIBLE ORGANIZATIONS; FIRE BRIGADES; FIRE FIGHTER I; FIRE OFFICER TRAINING**

**ADOPTED AMENDMENTS: N.J.A.C. 5:73-1.4, 2.2, 4.3, 8.1 AND 8.2**

Proposed: December 6, 2004 at 36 N.J.R. 5287(a).

Adopted: April 13, 2005 by Susan Bass Levin, Commissioner, Department of Community Affairs.

Filed: May 27, 2005 as R.2005 d.200, with substantive changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 52:27D-25d, 25j and 198.

Effective Date: July 5, 2005.

Expiration Date: June 14, 2010.

**Summary of Public Comments and Agency Responses:**

Comments were received from Ronald Kanterman, Chief, Emergency Services, Merck & Co. Inc.; Brian Bennett, Chief, Iselin Volunteer Fire Company No. 1; and David Gsell, Training Director, Emergency Services, County of Burlington.

**COMMENT:** I request that "industrial fire department" be included in the language of this amendment wherever you have included "fire brigade." Many industrial fire departments are full service structural fire departments that are a part of the county and State mutual aid systems. Fire brigades are often thought of as "incipient brigades" where a group of "limited trained" employees evacuate buildings and use portable fire extinguishers. Industrial fire departments in this State have rolling apparatus, specialized foam trucks, hazardous material units, rescue teams and the like.

**RESPONSE:** An industrial fire department satisfying the requirements of N.J.A.C. 5:73-2.2(c)3 can be an eligible organization. Adding "industrial fire departments" wherever the rules reference fire brigades would create a problem since there is the possibility that an industrial fire department may not fall within the scope of the adopted NFPA 600 standard. Additionally, Title 40A governs the creation of fire departments, and using the words "industrial fire department" in these rules would create confusion. The Department, however, acknowledges the contributions of industrial fire departments in the State.

**COMMENT:** All eligible organizations should be allowed to test, as long as the curriculum is aligned with, and approved by, the State Division of Fire Safety.

**RESPONSE:** Eligible organizations currently provide both practical and written examinations within approved Firefighter 1 programs. Examinations conducted by the Division require large capacity facilities as well as appropriate drill areas to properly train and test the fire service. Programs that do not require a State examination will not be affected by this rule. Those programs will be permitted to conduct local training regardless of the tier classification.

**COMMENT:** The Department should add a Classroom Level A provision for the Tier-

3 qualifiers.

**RESPONSE:** The Department agrees and has amended N.J.A.C. 5:73-2.2(c)3 accordingly. In order to train, an eligible organization must meet the minimum facility requirements established at N.J.A.C. 5:73-2.4(b). The absolute minimum requirement would be the provision of a Classroom Level A.

**COMMENT:** The Division should clarify that only practical skills (hands on evolutions) testing would be restricted to Tier 1 Eligible Organizations. The Division should consider allowing written tests to be administered at Tier 2 facilities.

**RESPONSE:** Written examinations administered by the Division are currently being conducted through county fire academies (Tier 1) or large venue seating auditoriums. Most Tier 2 facilities cannot accommodate a substantial number of people in one sitting. The Department wishes to administer examinations at facilities with adequate seating capacity.

**COMMENT:** The proposal as written restricts a Tier 2 eligible organization from administering written tests such as those required by the Fire Service Instructor and Fire Officer certifications.

**RESPONSE:** The Division currently administers Fire Service Instructor examinations at the facilities of specific Tier 1 Eligible Organizations because of the need to test large numbers of candidates in one sitting. The Division continues to believe large venue testing facilities will need to be used to accommodate the number of candidates. The Fire Officer examinations will need similar accommodations. Tier 2 facilities do not generally provide the required seating capacity to meet the testing demands of either program. The Division does not, at this time, anticipate using any tier eligible organizations to administer the Fire Service Instructor or Fire Officer State certification examinations.

**COMMENT:** How is the State going to guarantee the fixed cost of the Company Officer manuals?

**RESPONSE:** The publisher determines textbook prices. The Division will endeavor to work with publishers to solicit best prices in accordance with the procurement specifications established by the New Jersey Department of Treasury.

**COMMENT:** If this proposal were to be enacted as written, departments may see a decrease in training accomplished due to increased instructional fees and travel costs and inconvenient scheduling. This would be counter-productive to ensuring all firefighters have access to the Division's training programs.

**RESPONSE:** The Department does not agree that costs, training access, or local training accomplishments will be negatively affected due to these amended rules. Instructional fees are contracted between the instructor and the Eligible Organization and will not be affected by these amendments. Travel time from municipal fire departments to Tier 1 Eligible Organizations will be minimal due to the eighteen county training facilities throughout the State. Finally, fire departments would continue to have full access to training programs presented through local, county and State training systems.

**Summary of Agency-Initiated Change:**

To clarify that only tests administered by the Division would be restricted to Tier 1 sites, the word "its" has been added to N.J.A.C. 5:73-2.2(d).

**Federal Standards Statement**

The adopted amendments are consistent with the standards imposed as a result of the Occupational Safety and Health Act, 29 U.S.C. §§ 651 et seq. and the Public Employees Safety and Health Act, N.J.S.A. 34:6A-25 et seq.

Full text of the adoption follows :

**5:73-1.4 Definitions**

The following terms shall have the meanings indicated except where the context clearly requires otherwise.

...

"Eligible organization" means a fire department or district, or a combination of fire departments or districts, a fire brigade, an institution of higher learning, the New Jersey State Fire College or a recognized governmental entity which has been approved by the Division to offer courses or modules which meet the requirements of this chapter.

...

**5:73-2.2 Eligible organizations**

(a) A fire department or district, a combination of fire departments or districts, a fire brigade, an institution of higher learning, the New Jersey State Fire College or a recognized governmental entity is eligible to submit an application to offer courses or modules which meet the requirements of this chapter.

1. To ensure accountability, any module or course for a firefighter 1 certification may only be offered by a fire department or district, a combination of fire departments or districts, a fire brigade, or a recognized governmental entity.

(b) (No change.)

(c) Eligible organizations shall be grouped into a three-tier system.

1. In order to qualify as a Tier-1 Eligible Organization, an organization must provide the following training facilities and capabilities:

i. Classroom Level A, as specified in N.J.A.C. 5:73-2.4(b);

ii. Drill Area A, as specified in N.J.A.C. 5:73-2.4(c);

iii. Smoke building, as specified in N.J.A.C. 5:73-2.4(f);

iv. Drill tower, as specified in N.J.A.C. 5:73-2.4(g); and

v. Live burn facility, as specified in N.J.A.C. 5:73-2.4(h).

2. In order to qualify as a Tier-2 Eligible Organization, an organization must provide the

following training facilities and capabilities:

- i. Classroom Level A, as specified in N.J.A.C. 5:73-2.4(b); and
- ii. Drill Area A, as specified in N.J.A.C. 5:73-2.4(c).

3. In order to qualify as a Tier-3 Eligible Organization, an organization must, **at the minimum, provide Classroom Level A as specified in N.J. A.C. 5:73-2.4(b) and must** be recognized by OSHA as an industrial fire brigade as described in NFPA 600, Standard on Industrial Fire Brigades, 2000 edition, incorporated herein by reference.

(d) The Division shall restrict **its** testing to Tier-1 Eligible Organizations.

### **5:73-4.3 Training requirements**

(a) An applicant for Firefighter I certification shall have satisfactorily completed instructional modules utilizing the Thomson Delmar Learning publication titled "Firefighter's Handbook: Essentials of Firefighting and Emergency Response-- New Jersey Edition, and Addendum," incorporated herein by reference, which conforms to the following standards:

1.-41. (No change.)

(b) Copies of Thomson Delmar Learning publications incorporated by reference in this subchapter may be obtained by writing to: Delmar Learning, 5 Maxwell Drive, Clifton Park, NY 12065-2919.

### **5:73-8.1 General provisions**

(a)-(b) (No change.)

(c) Copies of Thomson Delmar Learning publications incorporated by reference in this subchapter may be obtained by writing to: Delmar Learning, 5 Maxwell Drive, Clifton Park, NY 12065-2919.

### **5:73-8.2 Fire Officer**

(a) A certification for Fire Officer I shall be granted to a member of the fire service who meets the following requirements:

1.-3. (No change.)

4. Satisfactorily completes a Fire Officer course of instruction that meets the requirements of NFPA 1021, Fire Officer I, 1997 edition, incorporated herein by reference, as specified in (b) below, utilizing the Thomson Delmar Learning publication titled "The Company Officer-- New Jersey Edition, and Addendum," incorporated herein by reference; and

5. (No change.)

(b)-(c) (No change.)

(d) A certification for Fire Officer II shall be granted to a member of the fire service who meets the following requirements:

1.-2. (No change.)

3. Satisfactorily complete a course of instruction that meets the requirements of NFPA 1021, Fire Officer II, 1997 edition as specified in (e) below, utilizing the Thomson Delmar Learning publication titled "The Company Officer-- New Jersey Edition, and Addendum," incorporated herein by reference; and

4. (No change.)

(e)-(1) (No change.)